

I am speaking today as an effort to ward off any miscalculation toward the independence of Belize. This body should do a very simple thing in this matter: Formally note that the United States stands with Great Britain and in full support of U.N. resolutions in full support of Belize independence.

I have asked the Belize ambassador to the United States, the Honorable Dean Lindo, to keep me personally aware of any developments threatening Belize independence.

There is no need now for formal action by this Congress. This should make certain that aggressor nations fully understand that militant actions against the independent status of Belize are unacceptable and will meet immediate response from this body.

REFLECTIONS ON UNITED STATES-TAIWAN FRIENDSHIP

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Ms. BROWN of Florida. Mr. Speaker, these are auspicious days for the Republic of China. After 6 years here in Washington, Representative Mou-Shih Ding of the Taipei Economic and Cultural Representative's Office of returning to Taipei to become the Secretary General of the National Security Council. I would like to congratulate Representative Ding on this latest promotion and wish him Godspeed in his new post. I am sure that he will continue to serve his country with the same grace and dignity that he has exhibited while here in Washington.

I would also like to take this opportunity to welcome to Washington Representative Ding's successor, Benjamin Lu, who, like Mou-Shih Ding, has had a long and distinguished career in the Foreign Service. I am confident that the special relationship between our two countries will continue to flourish under Benjamin Lu's stewardship.

October 10 marks the anniversary of the founding of the Republic of China, a day that is marked here in Washington by a number of cultural events. However, there is a more important reason for us to celebrate this date along with our Chinese friends, for it is only under a democratic system that Taiwan has been able to flourish economically and socially as we have seen over the past decade, becoming one of the world's leading economic powers.

To help us celebrate all of these momentous accomplishments for our friends on Taiwan, I urge my colleagues to support U.N. membership for the Republic of China on Taiwan. Although a member of several international organizations, the Republic of China has been refused a seat in the United Nations, which to many of us is truly absurd, for it denies to the world the many economic, social, cultural, environmental, and democratic benefits that the Republic of China's membership could bring. I know that Representative Ding has worked tirelessly for the last year on this matter, and I know that Benjamin Lu will also be deeply involved. I can think of no better way for us to show our support for the democratic ideals found in the Republic of China than to support this U.N. bid.

RETIREMENT OF HOUSE ATTENDING PHYSICIAN

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mrs. LLOYD. Mr. Speaker, I rise today to salute a great public servant, a man of complete dedication to duty and a person of great talent—my friend, Dr. Robert Krasner.

There are few individuals in this body that have touched and helped and counseled as many as Dr. Krasner. He has always been there for us. Whether we need most qualified medical services or just an encouraging word to us through the day, Dr. Krasner was there with a smile. I will miss him.

Mr. Speaker, in June 1991, I was diagnosed with a breast malignancy. Today, I am cancer-free and well. I give Dr. Krasner much of the credit. Although I was in Tennessee for my surgery, Dr. Krasner stayed in touch daily and when I returned to Washington, he found a fine oncologist to provide treatment for recovery and continued to monitor my progress.

Dr. Krasner has served us well and we wish him only the best as he moves on to other challenges.

PATENT LAW CHANGES SHOULD NOT BE PART OF THE GATT LEGISLATION

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 7, 1994

Mr. ROHRBACHER. Mr. Speaker, recently there appeared in the New York Times an excellent article by Skip Kaltenheuser and Donald Banner that delineates the problems that the patent law changes buried in the GATT implementing legislation would create for small inventors and entrepreneurs. The future of our economy depends in large measure to the certainty provided by the present U.S. patent law protections. I commend this article to my colleagues.

[From the New York Times, Aug. 28, 1994]

DON'T SNEAK PATENT CHANGES INTO GATT

(By Donald W. Banner and Skip Kaltenheuser)

The General Agreement on Tariffs and Trade, soon to be before Congress for implementation, has many virtues. But those good points are tainted by a major change to American patent law that the Administration plans to include in the bill. This change has not been fully debated, it may work grave economic harm on the nation, and to top it off, it is not even required by GATT.

The issue is how long patents run. Now, they last for 17 years from time of grant. Under the proposal, they would run 20 years from time of filing.

The difference may seem trivial, but it is not. Much time can elapse between the filing of a patent and the grant decision; if so, under a time-from-filing system the effective lifespan of a patent can be greatly shortened. Some patents, in fact, take 14 years or more to issue. And, whether the time to grant is long or not, applicants must live with the uncertainty that it may be.

These prospects raise great alarm. Inventors worry that a well-heeled competitor will

develop strategies to delay their patents. And funding may become scarce. For small companies, "there's a strong connection between secure, definite patent terms and the ability to gain financing from banks and venture capital," said Robert Rines, a patents lawyer and holder of 60 patents.

An iffy patent term carries another risk: that the patent will run out before it has yielded a marketable product. Universities, which file more than 3,000 patents a year, may be very hard hit. The average interval between a school's grant of a patent license and a marketable product is eight years—longer for biotech. The more advanced an invention is, the longer the likely time to commercial viability—and the more severe the penalty under a time-from-filing approach.

The Administration vigorously defends its position. Bruce A. Lehman, the Commissioner of Patents, says the average patent is issued 19 months after filing—and thus many patents would last longer than the current 17 years under the change. But the 19-month average understates the reality; it includes many "follow-on" patent applications, all dependent on an initial one. In any case, the focus should be on the commercially critical, leading-edge patents—which often take longer.

Mr. Lehman also says the proposal will ward off "submarine" patent filings. With these filings, applicants allegedly delay decisions so that the patent can surface years later in infringement claims against the unwary. But despite great worry, the data show this practice to be rare.

Moreover, on Aug. 16, the United States and Japan signed a broad patent pact which included an American promise to publish patent applications 18 months after filing. Because submarines are impossible if applications are public, the accord, if approved by both countries' legislatures, will stop the practice.

Is the proposed change intended to speed the patent process? Then it puts the cart before the horse. Most delays are controlled by the Federal patents office, not by applicants. Also, the change hands the office a "timer" with which it could pressure applicants with valid disagreements.

Nor can the Administration say GATT demands this risky change. The treaty only requires signatories to adopt a minimum term of 20 years from time of filing. Thus, Congress need only adopt a simple either-or formula: 17 years from grant or 20 years from filing, whichever is longer.

Finally, the changed patent term is part of the broad patent pact the Administration recently reached with Japan. But, ill-advised though the change seems, no proper assessment is possible without full debate of all these issues.

Such an airing is impossible, however, if the time-from-filing idea remains folded into the GATT bill—especially when, under the applicable "fast track" rules, Congress must vote yes or no on the whole package, with no changes.

In the GATT bill, the Administration should confine itself to the GATT legislation. To do otherwise is dangerous sleight of hand.